

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARK A. MARKUSSEN,

Plaintiff,

V.

BERNARD E. WARNER, et al.,

Defendants.

CASE NO. C16-5251BHS

ORDER STRIKING OBJECTIONS AND RENOTING REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation ("R&R")

of the Honorable David W. Christel, United States Magistrate Judge (Dkt. 15), and

Plaintiff Mark Markussen's ("Markussen") objections to the R&R (Dkt. 16).

On August 19, 2016, Judge Christel issued the R&R recommending that the Court

grant Defendants' motion for summary judgment on all of Markussen's claims. Dkt. 15.

Judge Christel declined to consider Markussen's response because it was prepared and

signed by Anthony Rowe, who claims to have authority to litigate on behalf of

¹⁰ Markussen under a durable power of attorney. *Id.* at 2–3 n.1. Judge Christel wrote a

thorough explanation on why Mr. Rowe's representation of Markussen is improper. *Id.*

On September 9, 2016, Mr. Rowe submitted objections on behalf of Markusen. Dkt. 10.

1 On September 22, 2016, Defendants responded and moved to strike the objections. Dkt.
2 18. On October 3, 2016, Mr. Rowe moved to add additional evidence. Dkt. 19.

3 In this case, the Court agrees with Defendants that Markussen has failed to submit
4 proper objections. For all the reasons Judge Christel set forth in the R&R, Mr. Rowe
5 may not litigate on behalf of Markussen, and the Court **STRIKES** the objections.
6 Moreover, accepting the objections would set an improper precedent for future litigation
7 that could be subject to abuse. The Court, however, will allow Markussen an opportunity
8 to file objections either through an attorney or on his own behalf. The Clerk shall renote
9 the R&R for consideration on the Court's November 25, 2016 calendar. Objections, if
10 any, shall be filed no later than November 18, 2016. Responses, if any, shall be filed no
11 later than November 25, 2016.

12 The Court also **STRIKES** Mr. Rowe's motion to submit additional evidence as it
13 is improper.

14 **IT IS SO ORDERED.**

15 Dated this 2nd day of November, 2016.

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BENJAMIN H. SETTLE
19 United States District Judge
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